

Zoning Text Amendment No.: 11-06
Concerning: Fenton Village Overlay
Zone – Building Height
Draft No. & Date: 1 – 11/1/11
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen and Council President Ervin

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- modify building heights in the Fenton Village Overlay zone and the adjacent CBD-0.5 zone
- generally amend the provision for building heights in the Fenton Village Overlay zone

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-C-6	“Central Business District Zones”
Division 59-C-6.235	“Development Standards”
Division 59-C-18	“Overlay Zones”
Section 59-C-18.192	“Regulations”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. 59-C-6 is amended as follows:**Sec. 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

* * *

	CBD-0.5		CBD-R1²		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
59-C-6.235. [Maximum] Maximum Building Heights (in feet).												
(a) Standard method of development.												
—Normally:	45		60		60		60		72		60	
—If adjoining or directly across a street from land which is recommended for or developed in a residential zone with a maximum density of less than 15 dwelling units per acre:	35		35		35							
plus an additional 8 feet for air conditioners or similar rooftop structures and mechanical appurtenances pursuant to [division] <u>Division</u> 59-B-1(b).												
(b) Optional method of development.												
—Normally:		60		60		60		143		143		143

	CBD-0.5		CBD-R1 ²		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
—If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to:		60 ^{12,*}		143		90 ¹		200 ¹¹		200		200

* For certain properties adjacent to the Fenton Village Overlay Zone, permitted heights may be increased under Section 59-C-18.192(b)(1)(E).

* * *

Sec. 2. Division 59-C-18 is amended as follows:

* * *

59-C-18.192. Regulations

* * *

(b) Development Standards. The development standards are the same as those in the underlying zones, except:

(1) Building height in the Overlay Zone:

* * *

(D) for property located in a block that includes property zones in any one-family residential classification, must not exceed 45 feet for all uses, except the building height must not exceed 60 feet for:

(i) residential use; or

(ii) mixed-use optional method project, if at least 33% of the project's floor area is residential and the project includes a hotel;

(E) for properties with frontage on both Wayne Avenue and Fenton Street, notwithstanding the height limitations in Subsection (b)(1)(B)-(D), may be increased by 15 feet for a building that includes residential uses or a

mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan.

[(E)] (F) Building heights may be approved under the standards of this subsection without regard to the building height recommendations of the sector plan.

[(F)] (G) Any project plan approved before August 18, 2008 may be constructed under the conditions of its approval and any site plan thereafter that implements the previously approved project plan. Any site plan approved before [the] August 18, 2008 may be constructed under the conditions of its approval. Any building constructed under this subsection is conforming and may be maintained and reconstructed under the conditions of their approval.

* * *

Sec. 3. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council